

Patent Docket P0565D1C3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Group Art Unit: 1646

Lasky et al. Examiner: M. Pak

Serial No.: 09/119,209

Filed: 20 July 1998

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Date of Reposit

Yvonne Carre

TERMINAL DISCLAIMER

Assistant Commissioner of Patents Washington, D.C. 20231

Sir:

For:

Your petitioners, Genentech, Inc., having a place of business at One DNA Way. South San Francisco, California 94080-4990 in the county of San Mateo, and The Regents of the University of California, having a place of business at 1111 Franklin Street, 12th Floor, Oakland, California 94607-5200, have reviewed the evidentiary documents set forth hereinbelow and certify to the best of their knowledge and belief that title in and to the above-identified application and in the referenced U.S. Patent Nos. 5,840,844 and 5,216,131 reside in Genentech, Inc and The Regents of the University of California.

Your petitioners, Genentech, Inc. and The Regents of the University of California, represent that they are the joint owners of the entire right, title and interest in the invention disclosed and claimed in application U.S. Ser. No. 09/119,209, filed July 20, 1998, and are the joint owners of the entire right, title and interest in the invention disclosed and claimed in U.S. Patent No. 5,216,131, filed October 31, 1991 and issued June 1, 1993, and in the invention disclosed and

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claimed in U.S. Patent No. 5,840,844, filed August 10, 1995 and issued November 24, 1998, by virtue of the assignments recorded on November 21, 1991 at Reel 5916, Frames 0635 and 0638.

Your petitioners hereby disclaim the terminal part of any patent granted on application U.S. Ser. No. 09/119,209 or on any application that is entitled to the benefit of the filing date of this application under 35 USC §120 that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,216,131 or U.S. Patent No. 5,840,844 and hereby agrees that any patent so granted shall be enforceable only for and during such period that the legal title to the patent so granted shall be the same as the legal title to U.S. Patent Nos. 5,216,131 and 5,840,844, this agreement to run with the patent so granted and to be binding upon the grantee, its successors or assigns.

Petitioners do not disclaim any terminal part of any patent granted on application U.S. Ser. No. 09/119,209 or on any application that is entitled to the benefit of the filling date of this application under 35 USC §120 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,216,131 or U.S. Patent No. 5,840,844 in the event that the latter patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, whose titles are supplied below, are empowered to act on behalf of the respective assignees as indicated.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any

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patent issued thereon.

The Commissioner is authorized to charge the statutory fee of \$110.00 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Account 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted.

Jan Hasak

Date: Oct. 5, 2000

Title: Assoc. General Counsel Patent Law

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

GENENTECH, INC.

Name: Patricia Anderson Cotton

Associate Director

Date:

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CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant(s):

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Application No.: 09/119,209

Filed: July 20, 1998

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THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,

GENENTECH, INC.,

(Nation of Assertions)

a Corporation, and

a Corporation,

(Type of Assignes, e.g., corporation, partnership, university, government agency, etc.)

certify that they are the assignees of the entire right, title and interest in the patent application identified above by virtue of assignments from the inventor(s) of the patent application identified above. The assignments were recorded in the Patent and Trademark Office at Reel No. 5916, Frame No. 0638, and at Reel No. 5916, Frame No 0635

The undersigned have reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

The undersigned (whose titles are supplied below) are empowered to act on behalf of the assignees as indicated.

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful fatse statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| THE REGENTS OF THE UNIVERSITY OF CALIFORNI | |
|--|---|
| Signature: Papiera Anderson Cettor | Wagnature: Janet E. Hasak |
| Date: 10-4-00 | Date: October 5, 2000 |
| Name: Patricia Anderson Cotton | Name: Jan Hasak |
| Individual's Name | Individual's Name |
| Title: Associate Director | Tule: Assoc. General Counsel Patent Law |
| Individual's Title | Individual's Title |